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## United States Environmental Protection Agency

## Region III

In the Matter Of:

NVF Company  
Kennett Square, Pennsylvania

Respondent

Docket No: III-18-07-DC

Proceeding under Section 106(a) of the  
Comprehensive Environmental Response,  
Compensation, and Liability Act of 1980  
(42 U.S.C. § 9606(a)), as amended by  
the Superfund Amendments and Reau-  
thorization Act of 1986, Pub. L. No.  
99-499, 100 Stat. 1613(1986).

ORDER

The following Order by the United States Environmental Protection Agency ("EPA") is issued to the NVF Company ("NVF") pursuant to the authority vested in the President of the United States of America by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §9606(a), as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), Pub. L. No. 99-499, 100 Stat. 1613, and delegated to the Regional Administrators of EPA. This Order pertains to property located in the borough of Kennett Square, Chester County, Pennsylvania. The property will hereinafter be referred to as the "NVF site" or "the site."

The actions taken pursuant to this Order shall be consistent with the National Oil and Hazardous Substance Contingency Plan, 40 C.F.R.

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\$300.65 ("NCP"). Notice of the issuance of this Order has been given to the Commonwealth of Pennsylvania.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

EPA has concluded that all determinations necessary for the issuance of this Order, pursuant to Section 106(a) of CERCLA, 42 U.S.C. §9606(a), have been made. EPA finds the following:

1. The Respondent, NVF Company, is a corporation organized and existing under the laws of the State of Delaware.
2. The NVF site is located at the corner of Mulberry and Lafayette Streets, Kennett Square, Pennsylvania and encompasses an area of 26.13 acres.
3. The site has been owned and operated by NVF from the early 1920's to the present for the manufacture of composite materials and industrial laminates.
4. The site is situated in a moderately populated rural area. An adjacent mushroom farm is bisected by the south westerly flow of the unnamed tributary. This unnamed tributary flows into the West Branch of the Red Clay Creek.
5. This Order pertains to three areas: the NVF facility, the swale leading from the Site, and the unnamed tributary to the West Branch of the Red Clay Creek.

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6. Analysis of fish collected from the Red Clay Creek by the U.S. Fish and Wildlife Service on August 16, 1982 revealed the presence of Poly-chlorinated Biphenyls ("PCBs") in excess of the Food and Drug Administration's Action Level for this substance in fish flesh.
7. On January 27, 1983 and subsequent dates, the Pennsylvania Department of Environmental Resources ("PA DER") collected sediment and water samples from the stream at selected intervals from downstream to upstream. Analysis of these samples indicated that NVF's Kennett Square facility was a source of the PCB contamination in the West Branch of the Red Clay Creek.
8. On May 9, 1983 PA DER inspected NVF and found PCBs in the non-contact cooling water of outfall 001 and in the sediment of the swale which extends in a southerly direction into the unnamed tributary of the West Branch of the Red Clay Creek. Based upon analyses performed by E.H. Richardson Associates, Inc., NVF determined that the source of the PCB contamination in outfall 001 was residue in the number seven press pit. For several years during the 1960's a heat transfer fluid containing PCBs was used in press number seven.
9. In December of 1983, surface residues including sludges and debris were removed from the pit. Although some surface cleaning had been performed, PCB contamination in the swale and unnamed tributary to the West Branch of the Red Clay Creek remains.
10. A site assessment was performed by the EPA Region III Field Investigation Team ("FIT") on February 12, 1986 in accordance with the NCP 40 C.F.R. §300.64. Sampling conducted at that time has documented the presence of PCBs in the

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swale sediment offsite in concentrations ranging from 44 ppm to 11,000 ppm.

11. On June 12, 1987, EPA entered into a Consent Order and Agreement ("CO&A") with the NVF Company for the performance of sampling in the number seven press pit, the storm water control basin, the electrical substations, and various offsite locations in the area.

12. A report detailing the actions taken at the Site in compliance with the CO&A was submitted to EPA on August 30, 1987. The submittal of this report established full compliance with the terms and stipulations of the June 12, 1987 CO&A.

13. Review of this report revealed levels of PCBs of up to 1,900 ppm imbedded in the concrete of the press pit. A level of 6800 ppm was found in a scrape sample of a pipe leading from the press pit into an adjacent sump.

14. Levels of PCBs ranging from 4 ppm to 590 ppm were found at, or around, the thirteen (13) electrical substations at the plant.

15. Sediment samples taken from the storm water control basin show levels of PCBs ranging from 7-28 ppm.

16. Sampling performed by EPA's Field Investigation Team on May 26, 1987 revealed levels of PCBs ranging from 30.4 ppm to 59.3 ppm at NVF's former outfall 001.

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17. Additional sediment samples taken upgradient of the NVF plant near a Philadelphia Electric Company substation found levels of 0.11 ppm to 0.43 ppm for PCBs.

18. On October 19, 1987, the EPA On-Scene Coordinator ("OSC") met with representatives of NVF onsite and, based upon the report submitted by NVF and other sampling analysis, the OSC gave the NVF representatives notice to clean-up contaminated soils and sediments along the railroad tracks between old and new outfalls 001, the swale, and the unnamed tributary. They were given until close of business ("COB") October 20, 1987 to respond to the OSC's request.

19. NVF did not respond to the OSC's request by COB October 20, 1987.

20. Poly-chlorinated Biphenyls ("PCBs") found at the NVF site are hazardous substances as defined in Section 101(14) of CERCLA, 42 U.S.C. §9601(14).

21. PCBs have been found to be carcinogenic in experimental studies with test animals and are a suspected carcinogen in humans.

22. The actual release of PCBs from the NVF facility into the swale has created a significant health threat due to the actual or potential release of PCBs from the swale into the unnamed tributary to the West Branch of the Red Clay Creek.

23. The site is a facility as defined in Section 101(9) of CERCLA, 42 U.S.C. §9601(9).

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24. The Respondent is a "person" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. §9601(21).

25. The past, present, and continued migration of hazardous substances from the facility into the swale and from the swale into the unnamed tributary constitutes an actual or threatened "release" as defined in Section 101(22) of CERCLA, 42 U.S.C. §9601(22).

26. Respondent is a responsible party pursuant to Section 107(a) of CERCLA, 42 U.S.C. §9607(a).

27. In order to protect the public health, welfare, or the environment, it is necessary that certain actions be taken to abate the release and threatened release of hazardous substances from the site.

#### DETERMINATION

28. EPA has determined that there may be an imminent and substantial endangerment to the public health, welfare, or the environment as a result of the release or threat of release of hazardous substances from the facility into the swale and from the swale into the unnamed tributary.

29. EPA has determined that the actions set forth below must be taken to protect public health, welfare, or the environment.

#### WORK TO BE PERFORMED

30. This Order shall apply to and be binding upon the Respondent, its agents, successors, and assigns and upon all persons carrying out the terms of this Order.

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